

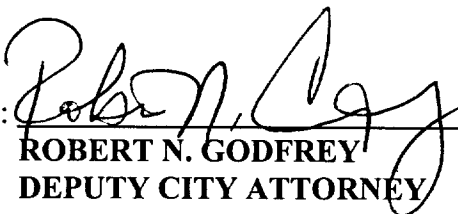
Entered - 05/17/01 - sb
CL01L0309 - DIANNE C. MITCHELL

CLAIM OF: **MARK THOMPSON**
863 River Glen Place
Riverdale, Georgia 30296

01- R -0945

For damages alleged to have been sustained as a result of a vehicular
accident on September 28, 2000 at State Route 139.

THIS ADVERSED REPORT IS APPROVED

BY: 
ROBERT N. GODFREY
DEPUTY CITY ATTORNEY

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 01L0309

Date: June 14, 2001

Claimant /Victim MARK THOMPSON

BY: (Atty)(Ins. Co.) _____

Address: 863 River Glen Place, Riverdale, Georgia 30296

Subrogation: _____ Claim for Property damage \$ 2,533.20 Bodily Injury \$ _____

Date of Notice: 05/16/01 Method: Written, proper X Improper _____

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) _____

Date of Occurrence 09/28/00 Place: State Route 139

Department Aviation Division: _____

Employee involved Jimmy D. Hester Disciplinary Action: _____

NATURE OF CLAIM: The claimant alleges that his vehicle was rear ended by the driver of the City vehicle causing damages in the above amount. However, the claim as presented does not comply with the requirements of notice as set forth in O.C.G.A. §36-33-5, the six month statute of limitations expired prior to receipt of the claim.

INVESTIGATION:

Statements: City employee _____ Claimant _____ Others _____ Written _____ Oral _____

Pictures _____ Diagrams _____ Reports: Police X Dept Report _____ Other _____

Traffic citations issued: City Driver _____ Claimant Driver _____

Citation disposition: City Driver _____ Claimant Driver _____

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial _____

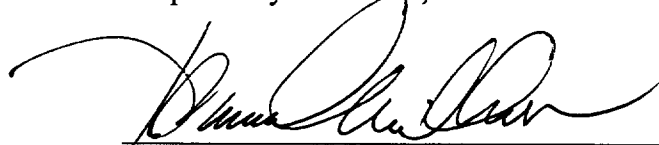
Improper Notice _____ More than Six Months X Other _____ Damages reasonable _____

City not involved _____ Offer rejected _____ Compromise settlement _____

Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____

Claimant Negligent _____ City Negligent _____ Joint _____ Claim Abandoned _____

Respectfully submitted,



INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ _____ Adverse X Account charged: 1A01 _____ 2J01 _____ 2H01 _____

Claims Manager: [Signature] Concur/date 06-18-01

Committee Action: _____ Council Action _____

COUNCIL OF THE CITY OF ATLANTA
MUNICIPAL CLERK
City Hall
55 Trinity Avenue, S.W.
Atlanta, Georgia 30335

RE: CLAIM FOR DAMAGES

Today's Date: MAY 15, 2001

M. Mitchell
05/16/01
De

ENTERED - 5-17-01 - SB
01L0309 - DIANNE MITCHELL

Dear Municipal Clerk:

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ 2,533.20 property and/or \$ 2,200.00 bodily injury for which I contend the City is liable.

1. Date of incident: 9/28/00 2. Time of Incident: 6:58 A.M. 3. Police called: ✓
(month/day/year) Yes No
4. Location of incident (including street address): S.R. 139
5. Name of your insurance company: STATE FARM INSURANCE Policy No. 7367701A1711B
6. State what and how incident occurred: I WAS TRAVELING NORTH BOUND ON SR 139 IN THE OUTSIDE CURB LANE. AS I STOPPED BEHIND NORTH BOUND TRAFFIC, I WAS STRUCK IN THE REAR BY MR. HESTER'S VEHICLE.
7. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!
8. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle (copy of the current tag receipt or title).

Your vehicle: <u>SATURN</u> (Make)	<u>'94</u> (Year)	<u>756 FHA</u> (Tag Number)	<u>MARK THOMPSON</u> (Driver's Name)
City vehicle: <u>CHEVROLET</u> (Make)	<u>JIMMY D HESTER</u> (City Driver's Name)	<u>7390 N. McDONOUGH STREET</u> (Address)	<u>CITY OF ATLANTA</u> (Department/Bureau)
9. Witness: B. PARKS
(Name) 12021 CLAYTON COUNTY P.D.
(Address) JONESBORO, GA 30236
(Telephone Number) (770) 477-3747
10. The acknowledgement of this claim in no way waives the Sovereign immunity of the City of Atlanta, as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta and/or its employee(s).
11. This claim should be mailed immediately to the address shown above.

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND CORRECT.

Mark Thompson
Signature of Claimant

MARK THOMPSON

(Print Claimant's Name)

863 RIVER GLEN PLACE

(Address)

RIVERDALE, GA. 30296

(City, State and Zip Code)

(4) 562-0963

(Work Number)

(7) 909-3368

(Home Number)

01-R-0945

**LONG, WEINBERG,
ANSLEY & WHEELER, LLP**

ATTORNEYS AT LAW
999 PEACHTREE STREET, N.E.
SUITE 2700
ATLANTA, GEORGIA 30309

TELEPHONE (404) 876-2700

FACSIMILE (404) 875-9433

July 19, 1999

**ENTERED - 8-10-99 - SB
99L0497 - DIANNE MITCHELL**

*Put- Please see
Orig to D Mitchell
~ copy to Sim fl.
8-5-99
DML,
SW*

*M Mitchell
08/11/99
[Signature]*

CERTIFIED MAIL/RETURN RECEIPT REQUESTED

William Campbell, Mayor
City Hall, Suite 2400
55 Trinity Avenue, SW
Atlanta, Ga 30335

**Re: Diego Ruiz v. City of Atlanta
Ante Litem Notice Pursuant to O.C.G.A. §36-33-5.
Unliquidated Damages Demand Pursuant to O.C.G.A.
§51-12-14**

Dear Mayor Campbell:

Please be advised that my client, Diego Ruiz, was a pedestrian on a sidewalk adjacent to Buckhead Avenue on March 21, 1999 at approximately 2:00 a.m. when he fell into an open man hole, thereby severely injuring his leg. Laser color photographs of Mr. Ruiz's injuries are attached hereto as Exhibit "A". Mr. Ruiz's medical bills incurred to date are attached hereto as Exhibit "B".

Pursuant to O.C.G.A. §32-4-93, the City of Atlanta is liable to Mr. Ruiz for his medical bills and pain and suffering because it negligently failed to provide adequate warning to the public of the defect in the sidewalk.

The City of Atlanta had the duty to use ordinary care to keep city streets and sidewalks in a reasonably safe condition for use by persons in ordinary methods of travel. See City of Marietta v. Godwin, 106 Ga. App. 113, 126 S.E.2d. 302 (1962), City of Barnesville v. Fapington, 58 Ga. App. 27, 197 S.E. 342 (1938); see also City of Vidalia v. Brown, Case No. A99A-0518 (decided 4/29/99). Thus, the City of Atlanta is liable for defects in streets and sidewalks negligently caused by its own agents or employees. Similarly, the City of Atlanta is liable for such defects caused by strangers or forces of nature, where the city had notice of a defect and failed to exercise ordinary care to remove it, or where the defect had existed for such a length of time that it would be reasonable to conclude the city should have learned of the defect and exercised ordinary care to remove it. Id.